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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORLAND DIVISION

DON'T SHOOT PORTLAND, a nonprofit corporation, in its individual capacity, NICHOLAS J. ROBERTS, in an individual capacity and on behalf of themselves and all others similarly situated, MICHELLE "MISHA" BELDEN, in an individual capacity and on behalf of themselves and all others similarly situated, ALEXANDRA JOHNSON, in an individual capacity and on behalf of themselves and all others similarly situated,

Case No. 3:20-cv-00917-HZ

DECLARATION OF CRAIG DOBSON
(In Support of Defendant City of Portland's Response to Plaintiffs' Motion for Class Certification)

PLAINTIFFS,

v.

CITY OF PORTLAND, a municipal corporation,

DEFENDANT.

I, Commander Craig Dobson, declare as follows:

1. I am employed by the City of Portland as a Commander in the Portland Police Bureau ("PPB" or "the Bureau"). I have been a police officer for the City of Portland since

1998. Currently, in addition to my role as Commander, I am also frequently in the role of Incident Commander for crowd management/crowd control occurrences that take place within the City.

2. I have previously provided declarations in this matter (ECF 19, 73, 105 and 113) and other suits related to protests within Portland from 2020-2021 (*Philip Wolfe, et al., v. City of Portland, et al.*, Case No. 3:20-cv-01882-SI, ECF 71, 110 and 129; and *Christopher Wise, et al. v. City of Portland et al.*, Case No. 3:20-cv-01193-IM, ECF 19 and 43).

3. In making this declaration, I have reviewed and drawn from applicable FDCRs, IC summaries, press releases, activity logs, my prior declarations, videos, and personal experience.

4. When “tear gas” is referenced in this declaration it means hand-tossed or launched canisters containing CS or OC. PPB trained officers may carry 2-chlorobenzalmalononitrile “CS gas,” Oleoresin Capsicum Pyrotechnic “OC pyrotechnic,” and “OC vapor.” PPB officers also may deploy rubber ball distraction devices (“RBDDs”) containing OC.

5. I have reviewed the PPB press releases for May 29, 30, 31; June 1, 2, 5, 6, 7, 12, 13, 15, 19, 20, 26, 27, 30; July 3, 4, 18, 21, 23, 24; August 1, 4, 5, 6, 7, 8, 9, 10, 12, 15, 19, 21, 22, 23, 24, 28; and September 5. The information contained in these press releases is consistent with my recollection of the events from these nights. Below, I’ve provided additional information regarding these nights and others that was not contained in the press releases.

6. I also reviewed PPB Twitter and other Twitter and media sources.

7. May 29, 30, and 31 are described in this matter ECF 73, 105 and 113. Citations in the brief are to ECF 113.

8. On June 1, 2020, at 16:43 hours, PPB tweeted closures to downtown were made and a fence was erected from Southwest 1st Avenue to Southwest 5th Avenue from Southwest Taylor Street to Southwest Jefferson Street. Attached as Exhibit 14 is PPB’s announcing the immediate closure with a map illustrating the restricted fenced off area.

9. On June 1, 2020, thousands of people marched and peacefully protested in Portland. Protesters marched from the east side to downtown Portland. PPB communicated with protest organizers through protest liaisons. PPB tweeted throughout the event, including one tweet that noted “this has been an hours’ long protest that has remained peaceful. Thank you and we see you and hear you!” PPB also tweeted “we appreciate all those who participated peacefully in this event, which was more than 5 hours long.” Later in the evening, individuals did throw projectiles at officers. PPB made arrests of specific individuals engaged in unlawful conduct. PPB officers deployed some less lethal force. PPB also deployed smoke. PPB did not use tear gas.

10. June 2, 2020 is described in this matter ECF 73, 105 and 113. Citations in the brief are to ECF 113. Also on June 2, 2020, Multnomah County Sheriff’s Office, Washington County Sheriff’s Office, Clackamas County Sheriff’s Office, Vancouver Police Department, Gresham Police Department, Port of Portland Police Department, Office State Police, and the National Guard also responded to the protests this day.

11. On June 5, 2020, there was a very large peaceful protest where thousands of demonstrators marched from Revolution Hall over the Hawthorne Bridge to Waterfront Park. There was a large rally at Waterfront Park, and the majority of the group subsequently departed and peacefully marched back to Revolution Hall. PPB did not respond to this protest other than to ensure that traffic did not interfere with the march.

12. On June 5, 2020, another large group gathered in Chapman Square. This group also remained peaceful as numerous speeches were given. The group that remained on SW Third Avenue, just east of Chapman Square, generally stayed non-violent for many hours. There were occasional situations with individuals climbing the fence and some limited objects thrown over the fence.

13. Later in the evening of June 5, 2020, the projectiles thrown became more dangerous. Protesters began using sling shots to direct items at a higher speed toward officers.

Bricks, glass bottles, fireworks, some frozen water bottles, sharp blades, ball bearings, mortars, batteries, and other projectiles started being thrown at officers. Lasers were also directed at officers' eyes. PPB declared an unlawful assembly directing protesters to leave. Protesters stayed, continued to shake the fence, and eventually knocked it down. Multnomah County Sheriff's Deputies responded to certain protesters using crowd control munitions. Subsequently, PPB officers used tear gas to disperse the crowd around the fence that had become violent.

14. On June 6, 2020, a large group of several thousand individuals marched from Revolution Hall to Irving Park. The group spent several hours at a rally in Irving Park before marching back to Revolution Hall, where the protest ended around midnight. There was no police response to this protest other than monitoring and providing assistance with traffic.

15. On June 6, 2020, another group gathered downtown and engaged in a march through downtown. Eventually a group of hundreds formed near the Justice Center. Some protesters in this group shined lasers at officers, threw items including paint and full beverage containers over the fence at officers, attempted to cut the fence and push over the fence, and lit a commercial grade firework at officers. PPB announced an unlawful assembly and began dispersing the crowd with assistance of mutual aid partners. During this time, a commercial grade firework was launched over the fence injuring two Multnomah County Sheriff's Office deputies. PPB officers used less lethal force during this protest. PPB officers deployed OC Vapor on June 6, 2020.

16. PPB officers did not deploy at the Portland Police Association building at any point during the night of June 6, 2020.

17. On June 7, 2020, thousands of protesters peacefully marched from Revolution Hall to Irving Park. This group held a rally and marched back to Revolution Hall. These protesters did not engage in vandalism or violence, and PPB did not respond to the protest. Another group marched over the St. Johns Bridge. This group also remained peaceful, and no PPB response was required. Another group gathered at the Justice Center. This group remained

non-violent for many hours, only occasionally shaking the fence. Later in the evening, some protesters began throwing projectiles at officers, including projectiles thrown using sling shots. At midnight, PPB declared a civil disturbance and instructed protesters to leave. Protesters responded by violently shaking the fence in an attempt to break off the legs holding it up. PPB officers moved to disperse the crowd. During the dispersal, a protester threw a lit object, later identified as a Molotov cocktail, at an officer. PPB used less lethal force on June 7, 2020. PPB officers did not deploy tear gas on June 7, 2020.

18. On June 9, 2020, protesters gathered near the fence outside the Justice Center. PPB gave warnings, instructing protesters not to trespass or enter through holes cut in the fence. PPB officers escorted PPB personnel to and from the building during a shift change. PPB officers did not deploy any munitions on June 9, 2020. PPB officers did not deploy tear gas or flash bangs on June 9, 2020.

19. On June 10, 2020, thousands of people gathered at Revolution Hall and marched. These protesters marched peacefully. PPB did not respond to this protest. Another group of protesters gathered at the fence around the Justice Center. Later in the evening, protesters began removing parts of the fence and threw fence panels over the fence. PPB made announcements regarding the criminal activity near the fence. Protesters knocked down a part of the fence on June 10, 2020. PPB officers deployed impact munitions in response to individuals trying to breach the fence. PPB officers did not deploy tear gas or flash bangs on June 10, 2020.

20. Like many previous nights, on June 12, 2020, several hundred protesters marched from Revolution Hall to Grant High School, held a demonstration at Grant High School, and marched back to Revolution Hall. This protest occurred without incident or police response.

21. On the same the night of June 12, 2020, another group gathered near the fence around the Justice Center. Like what was described above from June 7, 2020, on this night, some of these protesters violently shook the fence in an attempt to break off the legs holding it up, climbed the fence, cut holes in the fence, and ultimately tore down parts of the fence. Many

protesters also threw objects over the fence, including road flares, glass bottles, marbles (shot from sling shot devices), and metal pipes. PPB declared a civil disturbance and ordered the crowd to disperse. Approximately fifteen minutes after the dispersal order, PPB officers moved into to disperse those individuals who would not leave. PPB officers did deploy rubber ball distraction devices and other less lethal munitions on June 12, 2020. PPB officers did not deploy tear gas on June 12, 2020.

22. Again, on June 13, 2020, several thousand people marched from Revolution Hall to Cleveland High School. While there was a limited incident involving a motorist that became interspersed with the march, resulting in demonstrators breaking car windows and slashing tires, the march and protest occurred without intervention from PPB.

23. A second demonstration occurred at the Justice Center fence on June 13, 2020. Again, some protesters shook and climbed the fence, while others threw projectiles over the fence, including glass bottles, full beverage containers, rocks, mortars, fireworks and other projectiles. PPB declared a civil disturbance and ultimately moved to disperse the crowd that refused to leave. PPB made several arrests. PPB deployed RBDDs, impact munitions, and OC spray. However, PPB officers did not deploy tear gas on June 13, 2020.

24. On June 15, 2020, like many other nights in June 2020, there were several demonstrations throughout the City in different areas of town. The police did not respond to the majority of these demonstrations, as they occurred without violence or other significant criminal activity. The outer perimeter fence was removed. The inner perimeter fence or fence directly protecting the Justice Center remained in place on the Multnomah County Sheriff's Office side of the Justice Center. A group gathered near this fence. Some individuals threw projectiles over the fence, including water bottles and items slung from a sling shot-like device. Later in the evening Portland Fire and Rescue personnel responded to a fire lit near a building, and PPB officers provided security for this response. Projectiles, including glass bottles were thrown at officers, while PF&R personnel extinguished the fire. PPB did declare a civil disturbance and

advised the crowd to leave. The majority of the protesters remained, and projectiles were thrown at officers while they tried to disperse the crowd. Multiple officers were struck by projectiles. Multnomah County Sheriff's Office deputies and Clark County Sheriff's Office deputies were assisting PPB on June 15, 2020. While the crowd marched through downtown and the Pearl District, windows were smashed and items stolen and buildings were graffitied. PPB officers deployed impact munitions, OC spray, and RBDDs. Officers did not deploy tear gas on June 15, 2020.

25. On June 19, 2020, protesters gathered at the fence around the Justice Center. Protesters breached the fence and protesters also threw and shot projectiles, breaking windows of the Justice Center. Multnomah County Sheriff's Office deputies deployed munitions in response to protesters breaching the fence. PPB officers did not deploy munitions from behind the fence. After declaring an unlawful assembly, PPB officers moved to disperse the crowd that did not leave as instructed. PPB officers were struck by projectiles during the dispersal. PPB officers did deploy munitions and RBDDs later in the evening, after warnings near SW Fifth Avenue and SW Main Street. MCSO deputies also deployed munitions throughout the evening.

26. On June 20, 2020, a demonstration occurred on Southwest Third Avenue between SW Madison and SW Main Streets. While the demonstration was initially peaceful, later in the night, demonstrators threw projectiles, including eggs and rocks over the fence at officers. PPB sound truck announced an unlawful assembly at the request of Multnomah County Sheriff's Office command staff. Following the announcement, Multnomah County Sheriff's Office deployed to disperse the crowd that did not leave. Both PPB officers and MCSO deputies deployed RBDDs and other impact munitions on June 20, 2020. I reviewed the video identified as Exhibit J to the declaration of Franz Bruggemeier (ECF 257), PPB FDCRs and the activity log from June 20, 2020. It appears likely to me based on the reports and the attire of the officers moving north and SW Third Avenue that the RBDD that detonates at approximately 00:07.34 on Exhibit J was deployed by a MCSO deputy.

27. On June 26, 2020, protesters gathered near the Justice Center in the street. The group blocked the street and chanted for several hours without incident. Later in the evening, some demonstrators attempted to barricade doors to the Justice Center from the outside and spray painted security cameras on the outside of the building. PPB declared an unlawful assembly and admonished the group to leave. PPB officers did ultimately disperse the crowd. Multnomah County Sheriff's Office personnel were also present and participated. Multnomah County Sheriff's Office deputies used RBDDs from the portico of the Justice Center. PPB Officers did not deploy tear gas or rubber ball distraction devices on June 26, 2020.

28. On June 27, 2020, demonstrators blocked SW Third Avenue at SW Main Street. They formed a human chain and pulled plastic barriers cabled together to block the street. There was also graffiti tagged in the area stating "Kill All Cops" and "All Cops Are Burnable." Protesters were asked to remove the barricades from the streets, but they remained. An unlawful assembly was declared, but the crowd remained in the street with the barricades. PPB officers responded to remove people from the barricades so they could be removed from the street. During this engagement, officers had rocks, glass bottles, and paint thrown at them. The barricades were removed from the street, but as soon as officers left, the protesters again gathered to block the street. Later the group began to block the door to Central Precinct and the roll down vehicle gates. During an attempt to arrest one of the individuals barricading the doors, an officer was struck with a skateboard. Protesters pulled dumpsters into the street to block the street again. PPB announced another unlawful assembly and ordered the crowd to disperse. During the dispersal, objects were thrown at officers and some sidewalk garbage cans were set on fire. PPB officers did deploy impact munitions and OC spray in response to individual protester actions. PPB did not deploy tear gas on June 27, 2020. Time references and additional detail regarding June 27, 2020 can be found in my declaration in this case in ECF 113, paragraphs 72-76.

29. On June 28, 2020, a crowd of protesters gathered at the Justice Center. Protesters damaged some cameras and graffitied multiple buildings. PPB did not deploy any force on June 28, 2020.

30. The events of the July Fourth holiday weekend of 2020 are also documented in my declaration, ECF 113, paragraphs 77-113. With respect to July 3, to briefly summarize, at one point protesters gathered near the Justice Center, blocking SW Third Avenue. Some protesters set off commercial grade fireworks on SW Main Street. Later in the evening, some protesters threw rocks at the Federal Courthouse, breaking windows. Protesters also launched fireworks toward the federal courthouse and the Justice Center. Several small fires and some dumpster fires were lit. There was also fighting among demonstrators. PPB officers stayed out of sight to avoid conflict and did not use force on July 3, 2020. At 04:00 hours on the morning of July 4, the federal courthouse was attacked. A riot was declared by federal law enforcement, and federal law enforcement deployed force, including CS gas. PPB Officers did not deploy munitions on July 3, 2020 and did not deploy tear gas on July 3, 2020.

31. With respect to July 4, 2020, to briefly summarize, protestors fired projectiles, including lit objects, at the Federal Courthouse, breaking windows. Federal law enforcement deployed CS gas. Protesters also shot large (illegal in Oregon) fireworks and mortars at the Justice center. There was significant concern regarding the over-pressure from the detonation breaking windows. PPB officers had rocks, bottles, flammables, mortars, and other projectiles fired at them. A riot was declared, and protesters were ordered to disperse. Federal agents continued to deploy CS gas, as protesters threw objects and fireworks at the Federal Courthouse. At one point a firework went through a broken window at the Federal Courthouse. Following the riot declaration, PPB began assisting in pushing protesters away from the area and had heavy projectiles, mortar shells and flaming objects thrown at them. Three PPB officers were injured after being struck by objects. Windows were broken in many buildings and several fires were set. Portland Fire and Rescue personnel arrived to put out fires in the area. PPB took custody of

an individual with a handgun that fought to avoid arrest. Federal law enforcement took an individual into custody with a possible pipe bomb or homemade explosive device. PPB officers deployed RBDDs, impact munitions, OC spray, and tear gas on July 4, 2020. PPB also used batons while pushing the crowd and deployed smoke.

32. On July 18, 2020, there were multiple protest events. There were protests at Holiday Park, Lents Park, Salmon Street Springs, and outside the Justice Center that proceeded without PPB response. There was also a group of protesters that marched from Peninsula Park to North Precinct. Members of this group vandalized a police car, cut down the U.S. flag, vandalized the fence, and disabled the gate at the entrance to the secure parking lot. The protesters left North Precinct and marched to the PPA building. Protesters dragged multiple dumpsters into the road and lit them on fire. One person climbed on the roof. The front door to the PPA building was broken into and multiple people entered and lit a fire. PPB declared a riot and PPB officers pushed back the people who did not leave. PF&R personnel put out the fire in the PPA building and the dumpster fire. Protestors threw rocks, paint and fireworks at officers. PPB used less lethal munitions at times, but did not deploy tear gas. PPB officers did, however, report that protesters deployed “gopher gassers,” which caused vision impairment.

33. A separate group on July 18, 2020, protested downtown. Protesters from this group threw objects at the Federal Courthouse, and some protesters breached the fencing around the Federal Courthouse. Protesters here used torn down fencing to create barricades blocking the streets. It appeared to PPB that federal law enforcement exited the Federal Courthouse and may have deployed tear gas. PPB did not respond to this protest.

34. On July 21, 2020, a group of protesters gathered near the Justice Center and the Federal Courthouse. At approximately 23:00 a large group of protesters moved into the Federal Courthouse portico and began banging on the doors. PPB was informed that the doors to the Federal Courthouse were breached and federal officers intended to push back the crowd. Federal law enforcement used CS gas to move the crowd away from the doors of the Federal Courthouse.

Another group lit a fire against the plywood of the Federal Courthouse. Federal law enforcement again exited the building and used CS gas to push the crowd. Protesters threw objects at federal law enforcement. Protesters returned later and set another fire at the Federal Courthouse. PPB officers did not respond to the protest or use force on July 21, 2020.

35. On July 23, 2020, the NAACP held an event without any response by PPB. After that, a large group marched first to the Justice Center and then to the Federal Courthouse. At the Federal Courthouse, protesters threw mortars over the fence and shot roman candles at the open doors. Federal law enforcement deployed impact munitions towards individuals throwing items and shaking the fence. PPB received a medical call for a protester that was assaulted by another protester. Eventually protesters breached the fence around the Federal Courthouse and federal law enforcement responded. Many mortars were thrown and a fire started on the portico around the Federal Courthouse. Federal law enforcement deployed CS gas. Federal law enforcement went back in the building. Later, projectiles continued to be thrown and federal law enforcement pushed the crowd back. PPB made several unlawful assembly announcements, but did not engage with protesters. PPB officers did not use force on July 23, 2020.

36. On July 24, 2020, two groups merged in front of the Justice Center. The group was peaceful early on. Later in the evening, a group began shaking the fence around the Federal Courthouse. Protesters threw mortar shells, smoke grenades and other projectiles over the fence. Federal agents appeared to deploy impact munitions and smoke or CS gas in response to protesters throwing items. A fire started inside the fenced area around the Federal Courthouse. The group began to separate, with the group south of SW Main Street—near the Justice Center—engaging peacefully. The group north of SW Main Street were launching items at federal officers and federal officers appeared to be deploying tear gas. A group at SW Third Avenue and SW Salmon started a large fire in the street, and PPB declared an unlawful assembly based on the fire and the significant number of projectiles. Before PPB officers arrived to push the crowd back and extinguish the fire, federal law enforcement officers engaged with the group.

PPB officers eventually escorted Portland Fire and Rescue personnel into the area to put out the fire. Protesters threw a mortar at PPB officers. PPB officers did deploy less lethal munitions, but did not deploy tear gas on July 24, 2020.

37. On August 1, 2020, hundreds gathered at the Justice Center and marched through downtown. PPB did not deploy in response to this group gathered downtown. Separately, a group of approximately 200 protesters marched from Laurelhurst Park to the Kelly Building. Protesters blocked East Burnside. Some protesters threw glass bottles and directed lasers at officers. One PPB officer was struck in the head by a glass jar or bottle. The PPB sound truck made announcements directing people to stay off of the Kelly Building property. Protesters continued to throw objects. PPB declared an unlawful assembly and directed the crowd to leave to the west. PPB officers moved to disperse the crowd. Cars were blocking traffic and interfering with police attempts to disperse the crowd. PPB officers deployed RBDDs, OC Spray and impact munitions. Batons were also utilized during the dispersal. PPB did not deploy tear gas.

38. On August 4, 2020, there were two protests. A group at the Justice Center gave speeches and chanted. The group was mainly on the sidewalk but had cars blocking the street as well. PPB did not respond to this protest. A second crowd gathered at Peninsula Park and marched to the Portland Police Association building. This crowd had approximately 200 protestors. Nearly all persons leading the march were wearing helmets and carrying shields. Several of the shields had the word “PRESS” written across the front of them. At the PPA building, protesters lit a dumpster on fire in the middle of Lombard creating a large dumpster fire, but it did not present a danger to any structures, so PPB did not intervene. The crowd chanted that they wanted to burn the building down. PPB received reports that protesters were trying to pry plywood off the building and that someone had a torch lit next to the building. The alarm company for the building also reported that it could hear sounds of people trying to break in through the front door. PPB did not send officers, but had the sound truck make

announcements regarding the attempted break-in, and the crowd self-corrected the criminal conduct.

39. A pickup truck eventually drove into the crowd of protesters, and seemed to hit a motor bike, dragging it and causing sparks to fly. PPB officers arrested the driver of the vehicle. Protesters made a second attempt to break into the PPA building. They disabled security cameras, removed plywood from the back of the building, and broke windows on the back of the building. The sound truck again made announcements to see if the crowd would self-correct this unlawful behavior, but that did not occur. PPB also received information that a Molotov cocktail had been thrown in the building and people had entered. At this point, PPB declared an unlawful assembly and PPB used the sound truck twice to make announcements about the attempt to break into the building in an effort to stop the attempted break-in and avoid a police response. PPB officers were sent in to move the crowd back to secure the building; protesters threw bottles, rocks, and unknown liquids at officers.

40. While officers secured the building there was reports of gunshots two blocks away, and responding officers found evidence that both a car and house were struck with bullets. After PPB officers withdrew from the area, a large crowd gathered at the 7-11 across the street from the PPA building. PPB observed through livestreams a fist fight occurring and an individual pulling and shooting a firearm. PPB officers were again sent to the area, and the crowd chanted “we don’t need you.” Once officers confirmed that there was no shooting victim on scene and that no witnesses would speak to the police, officers left. PPB declared a riot but PPB officers did not deploy tear gas on August 4, 2020. PPB’s RRT deployed impact munitions, OC spray, RBDDs and a canister of smoke. PPB arrested three people.

41. I reviewed the IC summary prepared by Captain Passadore for August 5, 2020. On August 5, 2020, there were two protests. There was a small, peaceful protest at the Justice Center. Some cars blocked SW Third Avenue, but there was otherwise no criminal activity and PPB did not respond to this protest. Another group of demonstrators marched to East Precinct,

and immediately shined lasers at the security cameras, rendering them useless. They subsequently destroyed the security cameras and began pulling the plywood off the doors and windows. Protesters tried to open the front doors, and tried to use the wood to break the glass of the front doors. PPB declared an unlawful assembly and ordered the crowd to disperse. Protesters stayed. Protesters broke windows, placed a 2x4 board through the handles of the front doors, effectively locking personnel inside, and placed placards in front of the exit to the parking garage. After disabling exits, protesters started a fire in a garbage can and placed it against the front of the building. PPB declared a riot. At this point, the fire in front of the building was growing and protesters sprayed an accelerant on the burning pile of wood that was stacked against the building. When PPB officers arrived, they had rocks, bottles, and mortars thrown at them. PPB officers deployed CS gas to disperse the crowd, in response to the dangerous, criminal activity. Other less lethal munitions and force was also deployed during the dispersal.

42. On August 6, 2020, there were multiple protests that were very different. Early in the evening of August 6, 2020, a group of protesters arrived at the Kelly Building on East Burnside. This group was chanting and blocking traffic, but did not otherwise engage in any unlawful activity. PPB did not respond to this protest. Similarly, another group of protesters convened at the Justice Center, making speeches and blocking SW Third Avenue. This group remained peaceful, and there was no PPB response. A third group of protesters gathered at the football field at Floyd Light school, and eventually marched over to East Precinct. After arriving, protesters spray painted the walls of the precinct, disabled security cameras, and tossed paint on an elderly woman who was seeking to stop the property damage. PPB declared an unlawful assembly. Protesters lit a trash can on fire outside the precinct. One of two elderly women who had been discouraging property damage approached and put out the fire. Shortly thereafter, someone on the north side of the building sprayed accelerant onto the plywood covering the building, and lit it on fire. PPB officers were instructed to disperse the crowd so fires could be put out. Individuals in the crowd threw rocks, bottles, fireworks, and paint at

officers. One officer was hit by a large rock. PPB officers deployed smoke, impact munitions, and OC spray. PPB did not deploy tear gas.

43. On August 7, 2020, a group of protesters marched from Laurelhurst Park to the Kelly Building. PPB had the sound truck making announcements that the Kelly Building property is closed to the public and individuals could be arrested for trespass. Protesters immediately began throwing rocks at police officers, hitting several. Because of the number of rocks being thrown at the officers, PPB declared an unlawful assembly, directing people to leave to the east, but did not immediately disperse the crowd. The crowd engaged sporadically for several hours, at times throwing a significant number of projectiles, including rocks, bottles, concrete, and other objects. Later in the evening PPB officers observed a large explosion, which it appeared a protester had attempted to throw toward police. At that point, three dispersal warnings were given before RRT began to disperse the crowd. As PPB officers tried to disperse the crowd, more projectiles were thrown. PPB did not declare a riot. No tear gas was used. PPB officers deployed OC spray, impact munitions, an RBDD and smoke. PPB arrested 24 people.

44. On August 8, 2020 two groups gathered peacefully at East Precinct and Central Precinct. Neither of these groups engaged in violent behavior and PPB did not intervene or respond to these protests. A third group gathered at Peninsula Park and marched to the PPA building. This group was about 500 protestors. Once at the PPA building, members of the crowd used dumpsters and fencing to block vehicle traffic on Lombard in both directions. Fires were lit in the dumpsters. Members of the group graffitied the PPA building and disabled the security cameras. The security company for the building advised PPB that they heard glass breaking inside the building. At that point, PPB declared an unlawful assembly, and PPB officers began dispersing the protesters. Protesters entered the PPA building and started a fire inside the doorway, lighting broken plywood on fire. PPB then declared a riot and Portland Fire and Rescue personnel arrived to put out the fire. PPB officers worked with Oregon State Police officers to disperse the crowd. Officers were struck with rocks, full cans of bear, bricks, and

glass bottles. Oregon State Police officers and PPB officers deployed RBDDs. PPB declared a riot. PPB deployed tear gas to disperse the crowd. PPB officers deployed smoke. PPB also deployed impact munitions, OC spray, and used batons. PPB arrested two persons.

45. On August 9, 2020, PPB responded to a protest at the PPA building. Protesters blocked the streets around the PPA building, preventing vehicle access for Portland Fire and Rescue and AMR, who were responding to a medical call. Protesters started a fire on the ground on the south side of the PPA building, and added materials to it. PPB declared an unlawful assembly and PPB and Oregon State Police officers deployed to disperse the crowd. Law enforcement personnel were struck with projectiles while trying to disperse the crowd, including one member struck by a large mortar. PPB declared a riot. PPB used OC vapor and smoke. PPB also used impact munitions. PPB officers did not deploy any RBDDs on August 9, 2020.

46. On August 10, 2020, a group gathered in the evening at Alberta Park. At around 21:45 hours, a march began and blocked traffic and protestors at the front of the march were carrying shields. The march stopped at North Precinct. The crowd was issued warnings not to use violence as there had been other violence at this precinct in the past. Some individuals threw eggs and water bottles and some shined lights into officers' eyes causing pain. At 22:06 hours, as a result of the group increasing the number of projectiles, now throwing frozen water bottles, shining lasers in the eyes of officers and setting items in the street to block traffic PPB declared an unlawful assembly due to the criminal activity. Officers began to move the crowd and some moved and some did not. While one suspect was being arrested, the person kicked an Oregon State Police trooper and two PPB detectives. Also, one officer was struck in the face by a ball bearing and a face shield provided protection. Officers had golf balls, rocks and potatoes launched at them. Several arrests were made. PPB did deploy munitions though tear gas was not deployed.

47. On August 12, 2020, dozens of people gathered at the Justice Center, with speakers relaying frustrations with police and the lack of police reform. This group was peaceful

and no PPB intervention was required. Later in the evening the crowd grew, and many speakers spoke against “peace-police” in the crowd. Protesters threw a foul substance at the front door of Central Precinct, which Portland Fire and Rescue personnel had to come and remove. Protesters also violently shook the rolling doors to the garage at Central Precinct so hard that they damaged the doors. Members of the crowd began lighting fires on federal property and setting off large mortars. Flares were also tossed over the federal fence. The PPB sound truck admonished the crowd to stop starting fires and throwing fireworks in an attempt to get the crowd to engage in course correction. A crowd began marching to the Justice Center, and Multnomah County Sheriff’s Office was conducting a shift change. The crowd began blocking traffic and entering the private parking lot where county employees were attempting to go home. PPB declared a civil disturbance. PPB was informed that MCSO employees were concerned that their personal cars would be damaged as they attempted to leave the building, and they requested assistance. PPB ordered the crowd to disperse, and officers began to disperse the crowd. Officers were sprayed with pepper spray and mortars were thrown at officers. PPB declared a riot. While PPB officers were dispersing the crowd, they had a metal pipe swung at them, striking one officer in the hand. PPB officers were pulled back to Central Precinct and the crowd advanced on the officers, throwing projectiles. PPB officers deployed CS gas to disperse the violent crowd. As PPB officers disengaged back to Central Precinct, the crowd formed again and advanced on officers, throwing projectiles. The incident commander again authorized officers to deploy CS gas, but officers did not deploy CS gas. For two more hours, members of the crowd blocked the jail exit, assaulted other members of the crowd, and threw projectiles at passing police cars. Members of the crowd also set numerous fires. At one point, an OSP trooper was struck in the head by a rock thrown by a protester. In addition to CS gas, PPB officers deployed impact munitions, an RBDD, and OC spray.

48. On August 15, 2020, a group gathered at Laurelhurst Park and marched to the Kelly Building. Early in the night, there were occasional projectiles thrown toward police. But

later, protesters began to vandalize the building and attempted to knock out the security cameras. Projectiles, including rocks and glass bottles, also became more regular. There were a couple of brief standoffs as a right-wing group showed up to the protest. At points in the evening protesters chanted, “Kill a Cop Save a Life,” and “Burn the Precinct Down.” A shield wall with protesters began to approach the drive of the building, and an announcement was made warning that further trespassing, vandalism, and throwing projectiles would result in a riot declaration. In response to the announcement, protesters threw a barrage of rocks, glass bottles, and frozen eggs. PPB declared a riot and ordered the crowd to disperse. PPB officers pushed individuals who did not disperse. During the dispersal, protesters continued to throw rocks. One officer was struck by a rock in the back and was taken to the hospital. Protesters continued to throw projectiles, one of which broke the window of the sound truck and officers witnessed another thrown rock break the window of another car. An officer had his face shield broken by another rock that struck his face; he broke his arm as he fell to the ground. PPB deployed OC Spray, impact munitions, RBDDs, and smoke. PPB did not deploy tear gas.

49. On August 19, 2020, protesters gathered at the ICE facility in SW Portland on August 19, 2020. Members of the protest graffitied the ICE building and hit and kicked windows and doors. A protestor broke the window of the guard shack, allowing them to open the gates to the building. Federal protective services responded by pushing the crowd of protesters north, and remained in the intersection to block protesters from returning. Some protesters threw rocks and other projectiles at the Federal Protective Service officers. PPB announced that there was an unlawful assembly, and directed the crowd north, but Federal Protective Service officers pushed the crowd. As members of the crowd continued to throw objects at FPS officers, PPB officers pushed the group north. Some protesters refocused their attention, throwing objects at PPB officers and the sound truck. When officers left, the crowd returned to the ICE building and broke some additional windows. FPS again pushed the crowd from the building. PPB declared a riot and FPS deployed CS gas to disperse protesters throwing

large rocks. Protesters continued to throw rocks. PPB received a call from a neighbor who was assaulted by a protester at their apartment. Protesters threw a hammer and fireworks at officers. The PPB incident commander authorized the use of CS gas, but it was not deployed. After moving the crowd north again, PPB disengaged. Protesters started a large fire with a mattress and picnic bench. They then returned to the ICE building, again striking windows and breaking windows. PPB again made announcements declaring a riot. FPS officers deployed CS gas. PPB officers again arrived to assist FPS officers pushing protesters north, away from the building. During that push, protesters threw water bottles and rocks (and slung rocks from a sling shot) at PPB officers. PPB officers deployed tear gas, smoke, OC spray, and impact munitions during the attempt to move the crowd north.

50. On August 21, 2020, at 20:15 hours, a crowd started to gather at Irving Park in NE Portland. By 21:40 hours, a crowd of approximately 150-200 people began marching north through the streets. Separately, 10 people gathered at the ICE facility. The crowd arrived at North Precinct on the MLK side and formed a shield wall to barricade NE Emerson at 22:07 hours. The crowd wrapped across Emerson onto the sidewalk north and south. Warnings were issued that the street was closed. For the next hour, individuals began to encroach onto NE Emerson to throw items such as glass bottles, eggs, bags of paint and fecal matter, and rocks at the vehicles staged with the lights on and at officers in the back toward the parking lots. Also, during this time, the few individuals who were encroaching began to taunt PPB officers. When PPB officers refused to engage with these individuals, the individuals became more brazen and individually began vandalizing the police vehicles. Additional warnings were given to remain on the sidewalk and off of Emerson. Over this period of time at least one tire was flattened, windows were broken on a couple of the police vehicles, and many officers were struck by rocks and other projectiles. At 00:03 hours protesters set a recycling box on fire on MLK just south of NE Emerson. In addition to using rocks as projectiles, the crowd also threw or launched golf balls and ball bearings. These individuals used lacrosse sticks to launch projectiles as far as the

parking lots on the east side of the precinct. Several times I instructed officers to ignore the property damage in order to maintain the situation where there were only a couple of instigators performing criminal acts such as throwing a stop sign on one of the vehicles as well as covering lights. At 00:17 hours PPB used Saf-smoke to get the crowd to back up. Unlike CS gas, Saf-smoke is not an irritant. At 01:06 hours the protesters' shield wall began to move forward. With the growing fire in the street and the increase of projectiles and now the movement forward by the protesters as a group, I declared a civil disturbance. PPB moved to push the crowd back. Almost immediately, the situation became extremely violent, and I declared a riot. The crowd was pushed westbound on NE Emerson to Vancouver and then southbound where PPB disengaged. PPB did not deploy tear gas on August 21, 2020. PPB officers did deploy OC spray, impact munitions, RBDDs, and smoke.

51. On August 22, 2020, in the afternoon, there was a right-wing protest and counter-protest in downtown Portland. There were a couple of small scuffles between the groups. PPB had limited resources due to significant incidents in other parts of the City, unrelated to protests. The sound truck made announcements admonishing both groups to engage peacefully. PPB received reports of some fights and a report of individuals with guns in a garage. Federal law enforcement declared an unlawful assembly around 14:50 hours. Federal law enforcement became surrounded by counter protesters in Terry Schrunk Plaza and requested that PPB announce an unlawful assembly. PPB provided announcements on their behalf. PPB did not deploy force during the protests in the afternoon downtown on August 22, 2020.

52. Later in the evening on August 22, 2020, protesters eventually gathered at the Kelly Building. Individuals brought a replica guillotine and set it on fire. After lighting the fire, protesters began throwing rocks and bottles at officers. Someone was shooting a paintball gun at cars and structures. PPB declared an unlawful assembly as the number of projectiles increased. When protesters did not disperse, PPB officers began to disperse the crowd, and they took additional rocks and other projectiles. PPB ultimately declared a riot due to the number of

projectiles thrown. PPB did use munitions, including OC vapor during the dispersal near the Kelly Building.

53. PPB Officers did not deploy tear gas on August 22, 2020 at North Precinct. PPB did not deploy with shields during any of the protests in the summer of 2020.

54. On August 23, 2020, protesters gathered in Woodlawn Park and marched to North Precinct. Protesters set two dumpsters on fire in the street near North Precinct. They also flipped over a small U-haul trailer to use as cover. Some protesters began throwing rocks, bottles and other projectiles toward police, cars, and the building. PPB declared an unlawful assembly, which resulted in more projectiles, including using a “wrist-rocket” to fire marbles over the building and at the sound truck. Protesters rolled the burning dumpsters closer to North Precinct and threw objects from behind them. One rock hit a PPB officer who was standing on the roof. Due to the fires and projectiles being thrown at police at times at a rate of about 60 projectiles a minute (the projectiles were mainly rocks and bottles), PPB declared a riot. After giving announcements of the riot and force warnings, a commercial mortar was thrown onto the roof of North Precinct and just after that protesters lit the awning of the building on fire. Portland Fire and Rescue personnel put the fire out, but projectiles continued to be thrown at officers, including lit flares. Tear gas was deployed to disperse the group that was engaging in this dangerous and unlawful behavior. The group returned to North Precinct shortly after being dispersed. They lit another awning of the North Precinct building on fire, and continued to throw rocks and mortars at officers. PPB made a short push to move protesters away from the North Precinct building. They returned, continuing to throw rocks and bottles, while chanting “Burn the fucking precinct down!” A marked private security vehicle not affiliated with PPB was briefly surrounded by protesters. The vehicle was stopped by using a vehicle driven by a protester. The private security vehicle was eventually allowed to divert down another road but was not allowed to go through the group. During the event PPB did use tear gas. PPB also deployed impact munitions, OC spray, and RBDDs.

55. On August 24, 2020, protesters marched to the PPA building. PPB received a phone call from the security company that the power may have been cut to the PPB building. A neighbor also called to say that people in the back were trying to light the south side of the building on fire. A couple of protesters managed to get onto the roof of the PPA building. As PPB observed what appeared to be the glow of fire on the south side of the building, a large fireball erupted from the west side of the building as well, seemingly enhanced by some type of accelerant. With the two fires, PPB declared a riot and I authorized the use of CS gas to disperse the crowd. PPB pushed the group out of the immediate area, allowing Portland Fire and Rescue to access the building. After dispersing, many protesters returned to the building. They set up roadblocks on Lombard and lit a fire in a barrel on the street. Shortly after, a smaller group began attempting to light a fire on the north side of the building while others lit the front door awning on fire. PPB continued to announce a riot and officers returned to move protesters away from the building to get the fire out. PPB deployed tear gas on July 24, 2020. PPB also deployed OC spray and impact munitions. PPB made 25 arrests.

56. On August 28, 2020, protesters initially gathered near the lobby of Mayor Wheeler's building in the Pearl District. This group was peaceful and PPB did not respond. A group also gathered at Peninsula Park and marched to the PPA building. Protesters blocked Lombard with cars and dumpsters. A protester cut the power to the PPA building, and protesters were tagging the building. Protesters lit some of the dumpsters on fire, adding pallets to the fires. PPB observed what turned out to be a mattress on fire and leaning against the PPA building. PPB announced a riot. The group largely fled voluntarily when officers arrived. PPB officers deployed one 40mm munitions and one burst of OC spray. PPB Officers did not deploy tear gas on August 28, 2020.

57. September 5, 2020 was the 100th straight day of protests in Portland. Oregon State Police troopers provided assistance to PPB in responding to what was expected to be a large protest. In light of extremely dry weather conditions, Portland Fire and Rescue informed

PPB that they were very concerned about fire danger. Protesters gathered at Ventura Park. PPB officers lined up along Stark to prevent protesters from getting to East Precinct. Protesters began throwing rocks and then threw a Molotov cocktail over the crowd toward police. The Molotov cocktail exploded in front of the police line, igniting a protester's legs on fire. PPB declared a riot in light of the number of projectiles and the danger from the Molotov cocktail. I authorized CS gas to be deployed only on hard surface streets due to the fire danger. After the riot was declared, two more Molotov cocktails and several illegal fireworks were thrown towards officers. PPB officers deployed CS gas. PPB requested assistance from Multnomah County Sheriff's Office deputies. After the riot declaration, protesters continued to throw some rocks at officers. A dumpster fire was lit and large pallets added to the fire. Officers pushed protesters past the fire so it could be put out. Multiple PPB and OSP officers were injured including burns from fireworks and concussions from being struck with helmets. OSP vehicles were struck with thrown rocks and the bodies and windows of the OSP vehicles sustained significant damage by the thrown rocks. PPB officers deployed OC spray, impact munitions, RBDDs, and smoke. PPB officers also used batons during the push. OSP officers also used force during the response to the protest on September 5, 2020. Dozens of protesters were arrested.

58. As I have recounted in this case, ECF 19, 73, 105, 113; and the *Philip Wolfe, et al., v. City of Portland, et al.*, Case No. 3:20-cv-01882-SI, ECF 71, 110 and 129; and *Christopher Wise, et al. v. City of Portland et al.*, Case No. 3:20-cv-01193-IM, ECF 19 and 43, there were protests opposing police violence that PPB did not monitor.

59. During the summer of 2020 there were scores of small protests opposing police violence and white supremacy throughout Portland that PPB did not monitor and did not respond to.

60. There were dozens of protests during the summer of 2020 that PPB monitored, including large protests that shut down roads and freeways, that PPB never responded to.

61. There were protests during the summer of 2020 where PPB provided warnings and directions in response to protestors engaging in illegal activity, including throwing items and engaging in property damage, but where PPB did not respond directly and did not use force.

62. There were protests during the summer of 2020 where other law enforcement agencies, including federal law enforcement and Multnomah County Sheriff's Office, used force when PPB did not respond.

63. There were nights that protesters drew firearms. There were multiple nights when firearms were shot and people were struck with firearms. There was a night where a protester shot and killed another protester.

64. There were nights where PPB deployed tear gas. There were multiple times more nights where tear gas was not used.

65. As summer progressed in 2020, Portland Fire and Rescue personnel advised PPB nightly regarding fire risks posed by protesters starting fires. A burn ban in Multnomah County went into effect on July 24, 2020. This information influenced how PPB responded to protests involving fires.

66. I am also aware of the Mayor's requirements regarding the use of CS Gas from September, 2020. On September 10, 2020, Mayor wheeler issued a Directive to PPB regarding the use of CS Gas which stated, in pertinent part, "as Police Commissioner, effective immediately and until further notice, I am directing the Portland Police to end the use of CS gas for crowd control." This Directive was then clarified on September 25, 2020. Specifically, on September 25, 2020, the Mayor wrote that "My prior direction that PPB not use CS gas remains in effect, subject to the following exception: PPB may use CS gas upon my (or my designee's) express authorization as Police Commissioner. The standard for the use of CS which I will apply is 'an immediate risk of death or serious physical injury which cannot otherwise be safely addressed without a greater application of force.' Prior to authorizing the use of CS gas, the Incident Commander must first call me (or my designee) and provide a description of the facts

showing ‘an immediate risk of death or serious physical injury which cannot otherwise safely be addressed without a greater application of force.’ I commit to being available directly or to have a designee available at all times to take such a call.”

67. PPB Directive 635.10 places additional restrictions on the use of force in crowd control, beyond the restrictions set forth in Directive 1010.00. These additional limitations include certain situations where force that would otherwise be objectively reasonable cannot be used without authorization from the Incident Commander. The reason for this additional restriction is that the use of force, even reasonable force, could have a negative impact on the overall crowd dynamic.

68. I make this declaration in support of Defendant City of Portland’s Response to Plaintiffs’ Motion for Class Certification.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: February 2, 2022.

Craig Dobson
Craig Dobson